

**REMARKS**

In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject application.

5       **35 U.S.C. §102 Claim Rejections**

Claims 1, 2, and 4-26 are rejected under 35 U.S.C. §102(e) as being allegedly anticipated by Beehler et al. (US 6,328,491) (hereinafter, "Beehler"). Applicant respectfully traverses the rejection.

10       Beehler teaches a vacuum platen for use in a printing device. The "vacuum platen 26 includes a top plate 64, a labyrinth 66, a filter 68, an orifice restrictor plate 70, and a vacuum source 72". (col. 6, lines 5-7). Beehler states that the "Orifice flow restrictor plate 70 of vacuum platen 26 is positioned between filter 68 and vacuum source 72". Beehler further states that the "orifice flow restrictor plate 70 is configured to include a plurality of apertures 107 and 109 that extend through surfaces 111 and 113 of orifice flow restrictor plate 70. Apertures 107 and 109 are fluidly coupled to the airflow through filter 68. Orifice flow restrictor plate 70 is configured to impede this airflow, thereby reducing its acoustic energy level to help quiet vacuum platen 26 during use of printing device 20." (col. 6, lines 55-64).

20       Applicant's claim 1, as amended, recites in part:

a plurality of vacuum chambers for applying a negative pressure to a media positioned on the platen;  
a hollow vacuum conduit connected to said vacuum chambers;  
and  
a vacuum source connected to said hollow vacuum conduit, said vacuum chambers being part of a first component and said hollow vacuum conduit being part of a second, separate component.

The Office refers to Beehler at Figs. 2 and 3 and asserts that the vacuum conduit of claim 1 is shown by Beehler's orifice flow restrictor plate 70 (Office Action, pg. 2). However, Beehler's orifice flow restrictor plate 70 is not a vacuum conduit as recited in Applicant's claim 1. To further clarify this point, claim 1 has been amended to recite a "hollow vacuum conduit". Beehler's orifice flow restrictor plate 70 is not a "hollow vacuum conduit". Rather, Beehler's orifice flow restrictor plate 70 is a solid plate. The solid orifice flow restrictor plate 70 has "a plurality of apertures 107 and 109 that extend through surfaces 111 and 113 of orifice flow restrictor plate 70".

It is therefore clear that Beehler does not teach all the elements of Applicant's claim 1, and the §102 rejection to claim 1 cannot stand. Applicant therefore respectfully requests that the §102 rejection to claim 1 be withdrawn.

Furthermore, Applicant's claim 1 recites the "hollow vacuum conduit connected to said vacuum chambers". The Office asserts that Beehler's passageways 82, 84, 86, 92, 94, and 96, show the vacuum chambers of Applicant's claim 1. Applicant does not admit this to be true. However, even assuming that Beehler's passageways 82, 84, 86, 92, 94, and 96, do show the vacuum chambers of Applicant's claim 1, there is not a hollow vacuum conduit connected to such vacuum chambers, as generally recited in Applicant's claim 1. Rather, Beehler's orifice flow restrictor plate 70, which the Office asserts is a vacuum conduit, "is positioned between filter 68 and vacuum source 72". (col. 6, lines 55-56). Thus, Beehler's would-be vacuum chambers (i.e., passageways 82, 84, 86, 92, 94, and 96) are connected to a filter on one side and a vacuum source on the other side. They are not connected to Beehler's orifice flow restrictor plate 70, which the Office asserts is a vacuum conduit.

For this additional reason, it is clear that Beehler does not teach all the elements of Applicant's claim 1, and the §102 rejection to claim 1 cannot

stand. Applicant therefore respectfully requests that the §102 rejection to claim 1 be withdrawn.

Claims 2 and 4-10 depend directly or indirectly from claim 1, and therefore incorporate all of the elements of claim 1. Thus, Beehler does not teach all the elements of claims 2 and 4-10 and therefore does not anticipate claims 2 and 4-10. Applicant therefore respectfully requests withdrawal of the §102 rejection to claims 2 and 4-10.

Claim 11 includes one or more elements that parallel those discussed above regarding claim 1. Specifically, claim 11 recites in part:

vacuum chambers . . . connected to a same vacuum source through a hollow vacuum conduit.

As clarified above, Beehler does not teach a "hollow vacuum conduit". Thus, Beehler does not teach all the elements of Applicant's claim 11, and the §102 rejection to claim 11 cannot stand. Applicant therefore respectfully requests that the §102 rejection to claim 11 be withdrawn.

Claims 12 and 13 depend directly or indirectly from claim 11, and therefore incorporate all of the elements of claim 11. Thus, Beehler does not teach all the elements of claims 12 and 13 and therefore does not anticipate claims 12 and 13. Applicant therefore respectfully requests withdrawal of the §102 rejection to claims 12 and 13.

Claim 14 includes one or more elements that parallel those discussed above regarding claims 1 and 11. Specifically, claim 14 recites in part:

chambers being connected via respective paths and through a hollow vacuum conduit to a vacuum source . . . .

As clarified above, Beehler does not teach a "hollow vacuum conduit". Thus, Beehler does not teach all the elements of Applicant's claim 14, and the

§102 rejection to claim 14 cannot stand. Applicant therefore respectfully requests that the §102 rejection to claim 14 be withdrawn.

Claim 15 depends from claim 14, and therefore incorporates all of the elements of claim 14. Thus, Beehler does not teach all the elements of claim 5 15 and therefore does not anticipate claim 15. Applicant therefore respectfully requests withdrawal of the §102 rejection to claim 15.

Claim 16 recites in part:

arranging said chamber-separating dividing wall at a location or adjacent where the negative pressure would otherwise drop below a predetermined value  $q$  for a media having a corresponding width.

Beehler does not discuss arranging chamber-separating dividing walls on the basis of pressure or any other basis. The Office asserts that Beehler's 10 passageways 82, 84, 86, 92, 94, and 96, are vacuum chambers and that the vacuum chambers are divided by transverse walls. Actually, Beehler teaches that passageways are formed by 2 stages of a labyrinth (col. 6, lines 23-33). However, Beehler does not mention anything about arranging the 2 stages of the labyrinth based on pressure or on any other basis.

15 Thus, Beehler does not teach all the elements of Applicant's claim 16, and the §102 rejection to claim 16 cannot stand. Applicant therefore respectfully requests that the §102 rejection to claim 16 be withdrawn.

Claims 17-20 depend directly or indirectly from claim 16, and therefore incorporate all of the elements of claim 16. Thus, Beehler does not teach all 20 the elements of claims 17-20 and therefore does not anticipate claims 17-20. Applicant therefore respectfully requests withdrawal of the §102 rejection to claims 17-20.

In addition, claim 20 recites a "hollow vacuum conduit". As clarified above, Beehler does not teach a hollow vacuum conduit, and claim 20 is not anticipated by Beehler for this additional reason.

Independent claims 21, 23, 24, and 25, all include a "hollow vacuum conduit" as discussed above. Because Beehler does not teach a hollow vacuum conduit, Beehler does not teach all the elements of claims 21, 23, 24, and 25. Thus, Beehler does not anticipate claims 21, 23, 24, and 25, and Applicant respectfully requests withdrawal of the §102 rejection to claims 21, 23, 24, and 25.

Furthermore, claims 22 and 26 depend from claims 21 and 25, respectively, and thereby include all of the elements of their respective base claims. Thus, Beehler does not teach all the elements of claims 22 and 26, and therefore does not anticipate claims 22 and 26. Applicant therefore respectfully requests withdrawal of the §102 rejection to claims 22 and 26.

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### **35 U.S.C. §103 Claim Rejections**

Claim 3 is rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Beehler as applied to claims 1, 2, and 4-26. Applicant respectfully traverses the rejection.

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**Claim 3 recites the following:**

A device according to claim 1, wherein the platen is of the same material as the first component..

The Office says that Beehler does not specifically disclose first and second components made of the same material, but that it would have been obvious to compose both first and second components from the same material as a permutation of the possible various material disclosed by Beehler. This

point however, valid or not, is moot in light of the above discussion clarifying

that Beehler does not teach all the elements of claim 3 (through its dependency from claim 1). Specifically, Beehler does not teach a hollow vacuum conduit.

A prima facie case of obviousness requires that all the elements be found in the references, alone or in combination. Because Beehler does not teach all the elements of claim 3, the §103 rejection to claim 3 cannot stand. Applicant therefore respectfully requests withdrawal of the §103 rejection to claim 3.

Claim 26 is rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Beehler as applied to claims 1, 2, and 4-26, and further in view of U.S. Patent No. 6,554,514 to Wotton et al. Applicant respectfully traverses the rejection on at least the grounds that Wotton et al. is not prior art.

Applicant notes that the subject application was filed on the filing date of 08/21/2001, while the application for patent to Wotton et al. was filed on the filing date of 11/16/2001. Because the subject application was filed prior to the application for patent to Wotton et al., the patent to Wotton et al. is not prior art and cannot be used in a rejection to claims in the subject application. Applicant therefore respectfully requests withdrawal of the §103 rejection to claim 26.

## **Conclusion**

Pending claims 1-26 are in condition for allowance. Applicant respectfully requests reconsideration and issuance of the subject application. If any issues remain that preclude issuance of this application, the Examiner is urged to contact the undersigned attorney before issuing a subsequent Action.

Respectfully Submitted,

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